



THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

ALAN H. SCHEINER
phone: (212) 356-2344
fax: (212) 356-3509
email: ascheine@law.nyc.gov

February 10, 2017

VIA ECF

Honorable Peggy Kuo
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Michael Walker v. City of New York, et al.*,
14-CV-0680 (WFK) (PK)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to represent defendants City of New York, Police Officer Gregory Gordon, and Police Officer Michael Smith in the above-referenced matter.

I am writing on behalf of all parties to submit this status report on discovery pursuant to the Court's prior order of December 19, 2016. Fact discovery between the parties is ongoing. The plaintiff's deposition has been partially completed and the parties intend to complete it with one more session. Defendants recently made some additional document productions, and depositions of the defendants should be completed soon.

Defendants have been seeking production of the files of the Staten Island District Attorneys' Office relating to the criminal prosecution of Michael Walker arising from his arrest. This has been delayed in part because of matters pending in that criminal case, and in part because the prosecution was referred to a private special prosecutor by the District Attorneys' Office (for reasons unrelated to this litigation). Defendants expect to receive the records that the special prosecutor deems non-privileged by the end of this month.

In addition, defendants are awaiting certain releases for non-party documents to be completed by plaintiff, so that documents can be obtained from the non-parties. There may be

delays associated with obtaining such non-party files. The parties have not yet decided whether they will be retaining expert witnesses.¹

The parties hope to complete discovery by the current deadline of April 27, 2017, but will inform the Court if it appears that the date is no longer be attainable.

We thank the Court for its consideration of this application.

Respectfully submitted,

/s/

Alan Scheiner

Senior Counsel

Special Federal Litigation Division

cc: Andrew F. Plasse, Esq. (via ECF)

¹ Defendants' counsel also notes that he will be unavailable due to a pre-planned vacation for two weeks during the discovery period, from March 20 through April 2, 2017.